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Docket No. 742421-79

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REMARKS

The Official Action dated April 26, 2006 has been received and its contents carefully noted. In view thereof, claims 2, 8 and 9 have been canceled in their entirety without prejudice nor disclaimer of the subject matter set forth therein while claims 1, 3 and 10 have been added and new claim 11 has been added in order to better define that which Applicants regard as the invention. Accordingly, claims 1, 3-7, 10 and 11 are presently pending in the instant application.

Initially, Applicants wish to acknowledge the Examiner's indication on page 10 of the Office Action that claims 9 and 10 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph set forth in the Office Action and to include all the limitations of the base claim and any intervening claims. In this regard, as the Examiner will note portions of previous dependent claim 9 have been included in independent claim 1, as amended, and consequently it is respectfully submitted that independent claim 1, as amended, as well as those claims which depend therefrom are now in proper condition for allowance.

With reference now to page 2 of the Office Action, the drawings have been objected to as being inconsistent with one another. In this regard, filed concurrently herewith is a Submission of Substitute Drawings wherein new figures and in particular Fig. 3 has been set forth which clearly shows that the bracket 9 and cover 13 are formed as separate pieces. Accordingly, it is respectfully submitted that Applicants' several figures are now in proper formal condition for allowance.

With reference to section 2 of the Office Action, Applicants note the Examiner's consideration of the Information Disclosure Statements filed November 15, 2005, February 23, 2004 and September 25, 2003. Applicants further note with thanks the Examiner's correction of the Information Disclosure Statement noting that abstracts rather

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than full translations of the several Japanese references were submitted. In this regard, Applicants wish to bring to the Examiner's attention that while claim 1 has been amended to clearly distinguish over all prior art of record, Japanese Patent Publication No. 2000-264180 discloses a wire member 17 having a circular connecting end 17b as illustrated in Fig. 2.

With reference now to page 3 of the Office Action, claims 9 and 10 have been objected to as including minor informalities. In this regard, as can be seen from the foregoing amendments, claim 9 has been canceled in favor of amended independent claim 1 as well as new claim 11 and claim 10 has been amended in order to overcome the informalities noted by the Examiner. Accordingly, it is respectfully submitted that Applicants' claimed invention is now in proper formal condition for allowance.

With respect to paragraph 5 of the Office Action, claims 1-10 have been rejected under 35 U.S.C. §112, second paragraph as being definite for failing to particularly out and distinctly claim the subject matter which Applicants regard as the invention. Particularly, the Examiner notes terms such as "can be removed" and "can swing" in claim 1 and "slideable" in claim 8 are vague and indefinite in the sense that things which may be done are not required to be done. Further, the Examiner notes further inconsistencies with independent claim 1 as well as claim 8. In this regard, as can be seen from the foregoing amendments, dependent claim 8 has been canceled and independent claim 1 has amended taking into account those instances of indefiniteness noted by the Examiner. Accordingly, it is respectfully submitted that Applicants claimed invention as set forth in claims 1, 3-7, 10 and 11 now particularly out and distinctly claim the subject matter which Applicants regard as the invention and are in proper formal condition for allowance.

Turning to page 4 of the Office Action, claims 1, 6 and 7 as best understood have been rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication

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No. 2001-138878 issued to Miyoshi et al. This rejection is respectfully traversed in that the Miyoshi et al. neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

As can be seen from the foregoing amendments, independent claim 1 recites an automobile pedal supporting structure for an operation pedal disposed behind a dash panel of an automobile comprising a first bracket having front and rear ends which allow the first bracket to be moved from a vehicle side member by a crash load on a front side of the automobile, the front end of the first bracket being fixed on the dash panel and the rear end of the first bracket being fixed on the vehicle side member which is more rigid than the dash panel, a second bracket being substantially wrapped with the first bracket to pivotally support the operation pedal by a frontal lower pivotal point, and having a front end lower part being pivotally attached to the first bracket so as to allow the second bracket to swing and a rear end upper part being fixed on the vehicle side member through the rear end of the first bracket so as to allow the second bracket to be removed from the vehicle side member by the crash load on the front side of the automobile, a turn promoting member extending from the vehicle side member through the rear end outside of the first bracket to the upper part of the second bracket so as to promote a turn of the second bracket toward the vehicle lower side as a result of a backward movement of the first bracket toward the vehicle rear side caused by the crash load on the front side of the automobile, and a pedal supporting shaft provided on the second bracket in such a manner that the pedal supporting shaft extends through an upper area of the second bracket wherein the turn promoting member includes a wire member having connected ends one of which is connected to the pedal supporting shaft and the other to the vehicle side member. Clearly, the patent to Miyoshi et al. fails to disclose or remotely suggest these features.

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Specifically, it is respectfully submitted that Miyoshi et al. fails to disclose or remotely suggest a wire member having connected ends one of which is connected to the pedal supporting shaft and the other being connected to the vehicle side member. Accordingly, it is respectfully submitted that independent claim 1 which now includes limitations from dependent claim 9 which has been indicated as being allowable over the prior art of record by the Examiner clearly distinguishes over the teachings of Miyoshi et al. as well as the remaining prior art of record and is in proper condition for allowance.

With respect to claims 6 and 7, each of these claims are directly dependent upon independent claim 1 and include all the limitations thereof. Accordingly, it is respectfully submitted that these claims are likewise are believed to be in proper condition for allowance for the reasons discussed hereinabove.

With reference to paragraph 8 of the Office Action, claims 1-4 and 6-8 as best understood have been rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. 2000-264180 issued to Tsujita. This rejection is likewise respectfully traversed in that the patent to Tsujita neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

As noted hereinabove, Tsujita discloses a device which includes a wire member 17 having a circular connecting end 17b. However, the circular connecting end of the wire member is not connected to the vehicle side member as is specifically recited by Applicants' claimed invention. Consequently, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 1 which includes limitations previously set forth in dependent claim 9, as well as those claims which depend therefrom clearly distinguish over the teachings of Tsujita and are in proper condition for allowance.

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With reference to section 9 of the Office Action, claims 1-3, 6 and 7 as best understood have been rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. 11-115698 issued to Sukemoto. This rejection is likewise respectfully traversed in that the patent to Sukemoto fails to disclose or suggest that which is presently set forth by Applicants' claimed invention.

Again, while Sukemoto may teach an automobile pedal supporting structure for an operation pedal disposed behind a dash panel 20 of an automobile, including a first bracket and second bracket, this reference fails to disclose or remotely suggest an automobile pedal supporting structure wherein the structure includes a pedal supporting shaft provided on the second bracket such that the pedal support shaft extends through an upper end of the second bracket and the turning promoting member includes a wire member having connected ends one of which is connected to the pedal supporting shaft and the other to the vehicle side member. Accordingly, it is respectfully submitted that independent claim 1 as well as those claims which depend therefrom clearly distinguish over the teachings of Sukemoto and are in proper condition for allowance.

With reference to section 12 of the Office Action, claim 5 as best understood has been rejected under 35 U.S.C. §103(a) as being unpatentable over Tsujita. As noted hereinabove, this rejection is likewise respectfully traversed in that the patent to Tsujita neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

While it may be common knowledge in the art to form Tsujita's guide member of resin in order to have a rigid lightweight construction, as discussed hereinabove in detail, Tsujita fails to disclose or suggest that which is presently set forth in independent claim 1. Accordingly, in that claim 5 is indirectly dependent upon independent claim 1 and includes

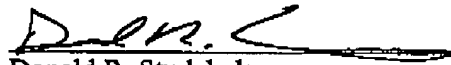
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all the limitations thereof, it is respectfully submitted that this claim likewise distinguishes over the prior art of record and is in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 1, 3-7, 10 and 11 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Hideto YAMADA et al.) Group Art Unit: 3682
Serial No. 10/669,684) Examiner: Vinh Luong
Filed: 09/25/2003) Confirmation No. 4419
For: AUTOMOBILE PEDAL SUPPORTING) Date: July 26, 2006
STRUCTURE)

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[37 CFR 1.8(a)]

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Name: Jeannie Saxton

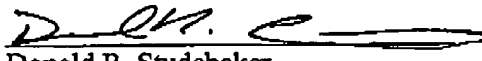
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Sir:

Enclosed please find four (4) sheets of formal drawings (Figs. 1-4 and 6), for review by the Patent and Trademark Office.

Respectfully submitted,


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